

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER C. SMITH, III,

Defendant.

Case No. 06-cr-30070-DRH

ORDER

HERNDON, District Judge:

Defendant Walter C. Smith, III, has mailed a letter to the Court, along with an attached Motion, requesting said Motion to be filed through his attorney. He explains that he unsuccessfully attempted to contact his current counsel via telephone to request that he file the Motion. He also wanted to give the Motion to his counsel when they met in person, but has not yet met with counsel. Thus, as a last resort, he has sent the Motion to the Court. The Court does not accept *pro se* filings from parties already represented by counsel. Further, the Court, procedurally, does not file things on behalf of a party's counsel when that document comes from the litigant – there may be strategic and logical reasons to refrain from filing the motion the client wants filed. There are reasons that lawyers make these kinds of decisions, even if they are contrary to the wishes of the client. A lawyer is trained in the law and the procedural rules.

Therefore, the Court declines to file the Motion submitted by Defendant.

Instead, the Clerk of Court is **INSTRUCTED** to mail Defendant's letter and Motion to his current counsel, John J. O'Gara, Jr. and to mail a copy of this order to the Defendant individually.

IT IS SO ORDERED.

Signed this 31st day of July, 2007.

/s/ David RHerndon
United States District Judge